

City Council Agenda

Council President
Brad Castillo

Councilmembers

Tom Boyajian
Brian Calhoun
Mike Dages
City Manager
Daniel G. Hobbs

City Clerk
Rebecca E. Klisch , CMC

Jerry Duncan
Henry T. Perea, Acting President
Cynthia Sterling
City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

DECEMBER 14, 2004

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. – 4:30 p.m.

8:30 A.M. ROLL CALL

Invocation by Councilmember Dages

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Recognition Awards to Student in District 4 – Council President Castillo

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Councilmembers Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.)

- A. * Accept the award of \$319,266 from the Office of Traffic Safety for the 2005 Sobriety Check Point Grant Program – Police Dept.

Action Taken:

1. * **RESOLUTION** – 50th amendment to AAR No. 2004-209 appropriating \$106,500 for the 2005 Sobriety Check Point Grant Program ***(Requires 5 affirmative votes)***

Action Taken:

- B. * **RESOLUTION** – 13th amendment to PAR No. 2004-210 replacing two (2) vacant full-time positions with four (4) part-time positions for the Communications Bureau – Police Dept.

Action Taken:

- C. Approve an agreement for professional services with Simon & Company for lobbying and legislative services in Washington, D.C. – City Manager's Office

Action Taken:

- D. Consideration of Contract Change Order No. 2 to contract with Tron Construction, Inc. for acoustic treatment of an additional 26 homes for the Fresno Yosemite International Airport FAR Part 150 Noise Compatibility Residential Acoustic Treatment Program locally known as the SMART Program Phase 7 Bid Group 12 under AIP Grant No. 3-06-0087-36 – Airports Dept.

Action Taken:

- E. * **RESOLUTION** - 7th amendment to Salary Resolution No. 2004-213, amending the narrative to clarify language related to benefits and making a title correction to delete Exhibit 7, "Group 8, – Non-Represented" in the benefits section – Personnel Dept.

Action Taken:

- F. * **RESOLUTION** - 51st amendment to AAR No. 2004-209 for the rebudget of capital projects and adjustment of employee services appropriations for the Department of Transportation/Fresno Area Express to reflect funding updates and labor contract requirements ***(Requires 5 affirmative votes)*** – Transportation Dept.

Action Taken:

- G. Authorize the Director of Transportation to enter into a Lease Agreement for the Downtown Customer Service Office operated by the Department of Transportation/Fresno Areas Express

Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- H. **RESOLUTION** – Authorizing the City Manager and/or the Director of Transportation to execute and file grant applications and grant related documents for transit funds with the U.S. Department of Transportation – Federal Transit Administration (FTA) – Transportation Dept.
Action Taken:
- I. Authorize the Department of Transportation/Fresno Area Express to apply for Local Transportation Fund (LTF) and State Transit Assistance (STA) for Fiscal Year 2005 – Dept. of Transportation
Action Taken:
- J. * **RESOLUTION** - 49th amendment to the AAR No. 2004-209 appropriating \$51,000 for the Fresno Police Department's Homeland Security Grant Program **(Requires 5 affirmative votes)** – Police Dept.
Action Taken:
- K. Preliminarily approve the purchase of 8.3 acres of land at Figarden Drive and the BNSF tracks for a future neighborhood park – Public Works Dept.
Action Taken:
- L. Approve the Third Amendment to Agreement with Provost and Pritchard Engineering Group, Inc., for professional engineering services for widening of Herndon Avenue between Weber Avenue and Polk Avenue – Public Works Dept.
Action Taken:
- M. Approve sale of abandoned City Water Well Pump Station No. 4, APN 433-261-36T, located behind 1956 W. Garland Avenue, just east of Hughes Avenue – Public Works Dept.
Action Taken:
- N. **RESOLUTION** – Approving the Final Map of Tract No. 5078 and accepting dedicated public uses therein; authorize the Public Works Director, Public Utilities Director, and the Planning and Development Director to execute the necessary documents – Planning and Development Dept.
Action Taken:
1. * **RESOLUTION** – 53rd amendment to AAR No. 2004-209 appropriating the subdivider's initial deposit for rights-of-way acquisition along W. Sierra and W. Palo Alto Avenues and N. Bryan and N. Hayes Avenues **(Requires 5 affirmative votes)**
Action Taken:
- O. * **RESOLUTION** – 52nd amendment to AAR No. 2004-209 appropriating \$349,000 from the dollars from Angel's Campaign for maintenance project at the Chaffee Zoo **(Requires 5 affirmative votes)** – PR&CS
Action Taken:
- P. * **BILL B-133 – (Intro., as amended 12/7/2004) (For adoption)** - Consider approval of Text Amendment No. TA-03-02 regarding second unit dwellings unit provision of the Zoning Ordinance as modified by Council on December 7, 2004 – Planning and Development Dept.
Action Taken:
- Q. * **BILL NO. B-136 – (Intro. 12/7/2004) (For adoption)** – Amending Section 2-1203 of the Fresno Municipal Code relating to processing of claims against the City – City Attorney's Office
Action Taken:
- R. * **BILL NO. B-137 – (Intro. 12/7/2004) (For adoption)** – Adding Subsection 25 to Section 8-401 of the Fresno Municipal Code, relating to prohibiting smoking in parks – PR&CS
Action Taken:
- S. **BILL – (For introduction)** - Amending the Fresno Yosemite International Airport Environs Plan relating to Plan Amendment No. A-04-14 – Planning and Development Dept.
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

T. Approve extension of Grant Writer Program Agreement – PR&CS

Action Taken:

2. **GENERAL ADMINISTRATION**

A. * **RESOLUTION** - 48th amendment to AAR No. 2004-209 appropriating \$221,800 in grant funds from the U.S. Department of Homeland Security (DHS) to fund the purchase of a fixed wing aircraft **(Requires 5 affirmative votes)** – Police Dept.

Action Taken:

B. Proposed Alluvial-Willow No. 3 Reorganization and approval to file with the Fresno Local Agency Formation Commission (LAFCO) for the detachment of certain territory consisting of approximately 27 acres from the Fresno County Fire Protection District and the Kings River Conservation District and annexation of the same territory to the City of Fresno **(Property located in District 6)** – Planning and Development Dept.

Action Taken:

1. Consider and adopt the environmental finding of Environmental Assessment No. R-02-31/ R-02-32/C-03-57/C-03-58 dated December 30, 2003, resulting in a Mitigated Negative Declaration

Action Taken:

2. * **RESOLUTION** – Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Alluvial-Willow No. 3 Reorganization

Action Taken:

3. **CITY COUNCIL**

A. **BILL – (For introduction)** - Amending the Fresno Municipal Code relating to utilization of apprentices by contractors on certain public work of improvement projects – Councilmember Dages

Action Taken:

B. Consideration of alternative process regarding fixing compensation of elective officers – Councilmember Boyajian

Action Taken:

1. **BILL – (For introduction)** – Amending Section 5 of Ordinance No. 2000-49 relating to the method for fixing compensation for elective officers

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:30.A.M.

PUBLIC COMMENT PERIOD – No Council action except to place on future agenda. Presentation limited to three (3) minutes:

A. **SCHEDULED COMMUNICATION**

B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

10:00 A.M. **WORKSHOP** to review the proposed amendments to the Fresno Municipal Code relating to the Emergency Services ordinance and the Emergency Operations Plan (EOP) – Fire Dept.

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:30 A.M. HEARING to consider adopting a resolution of public use and necessity for acquisition of permanent street easements and temporary construction easements on seven (7) parcels located at the intersection of First and Tulare Streets – Public Works Dept.

Action Taken:

- a. * **RESOLUTION** – Determining that public interest and necessity require acquisition of permanent easements and right-of-way and temporary construction easements for public purposes over, under, through and across real properties for the construction of the First Street and Tulare Avenue widening project and related purposes and authorizing eminent domain proceedings for public use and purpose **(Requires 5 affirmative votes)**

Action Taken:

10:45 A.M. JOINT MEETING WITH THE JOINT POWERS FINANCING AUTHORITY

- A. **HEARING** - Consider the Issuance by the Fresno Joint Powers Financing Authority (JPFA) of its Lease Revenue Bonds (“No Neighborhood Left Behind” Project) Series 2005 in an amount not to exceed \$52 million for the purpose of financing and refinancing of various capital projects and its public benefit to the City – Finance Dept.

Action Taken:

1. **RESOLUTION** – Approving the issuance by the Fresno Joint Powers Financing Authority of Lease Revenue Bonds to finance and refinance various capital improvement projects; authorizing the execution and delivery of a Facilities Lease, Facilities Sublease, Bond Purchase Contract, Escrow Agreement, Official Statement and continuing disclosure certificate; and authorizing execution of documents and the taking of all necessary actions relating to the financing **(Council action)**

Action Taken:

2. **RESOLUTION** - Authorizing the issuance and sale of Lease Revenue Bonds (“No Neighborhood Left Behind” Capital Improvement Projects) Series 2005; authorizing the procurement of bonds insurance; authorizing the execution and delivery of a Trust Agreement, Facilities Lease, Facilities Sublease, Bond Purchase Contract, Broker-Dealer Agreement and Official Statement; and authorizing the taking of all necessary actions relating to the issuance of the bonds **(Authority action)**

Action Taken:

ADJOURN AUTHORITY

2:00 P.M. #1 CONTESTED CONSENT CALENDAR

2:00 P.M.#2 CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Government Code Section 54956.9, subdivision (a)

1. **Case Name:** Irwin Foster, et al. v. City of Fresno, et al.
2. **Case Name:** Vicki Allen Westburg v. City of Fresno, by and through City Council; Halferty Development-Real Party in Interest
3. **Case Name:** City of Fresno v. Cherta Farms, Inc., et al., Fresno Superior Court Case No. 02CECG00191

Action Taken:

B. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Government Code Section 54956.9, subdivision (b)

Significant Exposure to Litigation: California Dept. of Transportation (Caltrans) v. City of Fresno

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:00 P.M.#3 **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**

2:30 P.M. **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

HEARING to consider adoption of a resolution by the Redevelopment Agency approving five-year redevelopment implementation plans for four (4) redevelopment project areas ***(Continued to 3:00 P.M.)***

Action Taken:

2:45 P.M. **HEARING** to consider Rezone Application No. R-04-78, filed by Quad Knoph, on behalf of Centex Homes, pertaining to approximately 22 acres of property located at the northwest corner of E. Hamilton and S. Armstrong Avenues ***(Property located in District 5)*** – Planning and Development Dept.

Action Taken:

a. Consider and adopt the environmental finding of Environmental Assessment No. R-04-78/T-5377, dated October 28, 2004, that the project proposed conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)

Action Taken:

b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-5/UGM (Exclusive Five Acre Agricultural/Urban Growth Management) and R-1-B (Fresno County-Single Family Residential) zone districts to the R-1/UGM (Single Family Residential/Urban Growth Management) and R-1-B (Single Family Residential) zone districts

Action Taken:

3:00 P.M. **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of November 30, 2004

Action Taken:

A. CONTINUED HEARING to consider adoption of a resolution by the Redevelopment Agency approving five-year redevelopment implementation plans for four (4) redevelopment project areas

Action Taken:

1. **RESOLUTION** - Approving the Five-year Redevelopment Implementation Plans for the Airport Area Revitalization Redevelopment Area; the Central City Commercial Revitalization Redevelopment Area; the South Fresno Industrial Redevelopment Area; and the Southeast Fresno Revitalization Redevelopment Area ***(Agency action)***

Action Taken:

B. Request an update and status report on the search for the vacant Redevelopment Agency Executive Director position – Councilmember Calhoun

Action Taken:

C. Approve recommendation from Executive Director Selection Committee and wait until the completion of best practice and benchmark of the Redevelopment Agency audit first before recruiting an Executive Director – Chair Boyajian

Action Taken:

ADJOURN AGENCY

4:00 P.M. Appearance by area residents regarding skate parks and potential bike parks – Councilmember Dages

4:30 P.M. **CONTINUE HEARING** to consider Fresno City Planning Commission decision regarding Conditional Use Permit (CUP) Application No. C-02-226, and environmental findings, filed by Wilkins Enterprises ***(Continue to January 25, 2005 @ 4:30 P.M.)***

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

Dec.	21 -	8:30 A.M.	REGULAR MEETING
Dec.	28 -	NO MEETING – NEW YEAR’S WEEK	
Jan.	4 -	(TIME TO BE DETERMINED) Installation of Mayor and Councilmembers	
Jan.	4 -	2:30 P.M.	HEARING re: Community Facilities District No. 2, Annexation No. 84, Final Tract Map No. 5247
Jan.	4 -	2:35 P.M.	HEARING re: Community Facilities District No. 2, Annexation No. 85, Parcel Map No. 03-24
Jan.	11 -	10:00 A.M.	HEARING re: formation of Community Facilities District No. 11
Jan.	11 -	10:30 A.M.	CONTINUED HEARING - To consider the adoption of a resolution to vacate a portion of N. Marks Avenue south of Freeway 99
Jan.	25 -	4:30 P.M.	CONTINUE HEARING to consider Fresno City Planning Commission decision regarding Conditional Use Permit (CUP) Application No. C-02-226, and environmental findings, filed by Wilkins Enterprises
Mar.	1 -	To be set	WORKSHOP to consider implementation and use of traffic signal fees and implementation of new Community Facilities District (CFD) – Councilmember Dages

(Future workshops – dates to be determined)

WORKSHOP re: SEMS

(June) WORKSHOP – Follow-up discussion regarding Caltrans discussion held 12/7/2004